

ABERDEEN CITY COUNCIL

COMMITTEE	Operational Delivery Committee
DATE	19 November 2020
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Proposed changes to the Housing Allocation Policy
REPORT NUMBER	CUS/20/188
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Derek McGowan
REPORT AUTHOR	Michael Murray
TERMS OF REFERENCE	1.1.5

1. PURPOSE OF REPORT

1.1 To seek approval of proposed changes to the Housing Allocation Policy

2. RECOMMENDATION(S)

That Committee:

2.1 Notes that the proposed changes have been created following consultation with members of staff, tenants, 3rd sector organisations and Elected Members; and

2.2 Approves the proposed changes to the Housing Allocation Policy by amending:

- (i) Delegated Power 11 to allow greater flexibility when tenants are sentenced to a period of imprisonment;
- (ii) Delegated Powers 23 – 32 to allow greater flexibility when tenants are in urgent housing need and those who are approved for the downsizing scheme; and
- (iii) section 19.1 of the Allocation Policy to grant the Chief Officer – Early Intervention and Community Empowerment the power to award an increased priority on the urgent list for statutory homeless applicants where issues of Public Protection prevail, all as detailed within this report.

3. BACKGROUND

3.1 As part of the Voids Improvement Plan a review of our Housing Allocation Policy was requested in March 2020. The existing Housing Allocation Policy was approved in 2018.

3.2 From July 2020 we have undertaken a consultation exercise involving Council Officers, tenants, 3rd sector organisations and Elected Members.

3.3. Council Officers/3rd Sector

A series of focus groups were held with staff and 3rd sector organisations, in August 2020 and following discussions several potential changes were highlighted including:

- ✓ Provide more flexibility in discretions e.g. house types, areas, house sizes
- ✓ Provide some medical priority for applicants whose conditions are not deemed severe enough for the Urgent list.
- ✓ More training for the Housing Needs Assessment Team to ensure greater collaboration with our Housing Management colleagues in finding a positive solution for customers.
- ✓ More information for applicants on our letting areas, streets, turnover etc.

3.4. Tenants

At the beginning of the process an advert was placed in Newsbite inviting all tenants to take part in the Allocation Policy Consultation. There were no responses to this invitation. TARF (Tenant and Resident Forum) was sent a copy of the present policy plus the guidance from the Scottish Government. This forum took part in a consultation via Microsoft Teams, where they reflected on what parts of the current policy they feel work well and suggested what could be changed. They were also helpful in bringing real life experiences to this consultation, demonstrating how changes to this policy could make a difference to our applicants and existing tenants. It is invaluable to have their input as customers who access our services are affected by the Allocation Policy and these proposed changes.

3.5 Elected Members

All Elected Members were informed and invited to offer their thoughts, queries and feedback on the current Allocation Policy and the proposed changes by email on the 11 August 2020. It was encouraging to receive positive comment and suggestions from several Elected Members keen to offer their views.

3.6 Proposed changes to Delegated Powers

Delegated Powers within the Housing Allocation Policy (Appendix 10.3) are a way of moving tenants whose circumstances are outwith the scope of the Housing Allocation Policy with the approval of the Chief Officer Early Intervention and Community Empowerment. Such a move is approved only after all other remedies have been tried. These are called discretionary moves and at present there are 116 discretion cases awaiting a move.

3.7 Change to Delegated Power 11

This deals with tenants who have been sentenced to a prison term over 26 weeks.

Currently, Delegated Power 11 gives the Chief Officer Early Intervention and Community Empowerment the power:

Where a single tenant sentenced to a term of imprisonment which will lead to an absence from home for a period exceeding 26 weeks has terminated the tenancy (on the basis that the tenant shall be responsible for the removal, storage of any furniture and personal effects), to offer accommodation of a suitable size and similar type within the same letting area if readily available, otherwise in an area of similar letting demand, on release from prison, provided the tenancy has been conducted satisfactorily and that a satisfactory arrangement has been made, at the termination of the tenancy, to pay any outstanding debt.

- 3.7.1 Having aligned ourselves with the Scottish Government's "[Sustainable Housing On Release for Everyone](#)" (SHORE) standards we aim to ensure that liberated prisoners have secure accommodation on release.
- 3.7.2 The SHORE standards inform us that "everyone should have suitable accommodation to go to on the day they are released from custody. This is consistent with the Scottish Government's vision that Scotland is a safer, fairer and more inclusive nation where we:-
- Prevent and reduce further offending by addressing its underlying causes;
 - And safely and effectively manage and support those who have committed offences to help them reintegrate, or in some cases integrate for the first time, into the community and realise their potential which in turn will create a safer and fairer society for all."
- 3.7.3 Rehousing is a key factor in successful reintegration into the community and reduces the chances of reoffending. Allowing this change gives Aberdeen City Council greater flexibility in finding suitable accommodation for liberated prisoners at the earliest opportunity. Only in exceptional cases, where the crime was related to the Council property itself, would we have grounds to consider not fulfilling our SHORE obligations.
- 3.7.4 This proposed change would help increase the number of properties that a client could be offered when being liberated ensuring successful rehousing is achieved in a timelier manner for the client and the Council. The current delegated power restricts the clients and Council options to offering accommodation in the similar property type within an area of similar letting demand.
- 3.7.5 It is proposed that the Delegated Power 11 be amended to the following:

Termination of tenancy by a tenant sentenced to imprisonment.

Where a single tenant is sentenced to a term of imprisonment which will lead to an absence from home of a duration which will have an impact on their ability to sustain their tenancy, to offer accommodation on release from prison of suitable accommodation, unless the tenant cannot return to our housing stock.

3.8 Change to Delegated Powers 23 - 32

Currently, Delegated Powers 23 - 32 give the Chief Officer Early Intervention and Community Empowerment the power to rehouse a tenant to accommodation of a similar size (or smaller) than currently occupied and similar type in an area of similar letting demand in various circumstances.

These powers are used when there is harassment, violence, and other irreconcilable disputes between tenants. In these situations the Council need to be able to move the tenant quickly away from the challenging situation they are facing, or to increase the provision of much needed family housing which is currently under occupied by the tenant as provided by our Downsizing Policy.

- 3.8.1 Under the current powers we can have a family who are Aberdeen City Council tenants and require a larger property, living in an overcrowded 1-bedroom property who require a move under the delegated powers for the above cited reasons. In such cases the size, letting areas and property types we can offer tenants are limited to a "like-for-like" basis - a similar size and property type in an area of similar letting demand.
- 3.8.2. Therefore, we can only offer the overcrowded family another 1-bedroom property, in which they will continue to experience overcrowding.
- 3.8.3. Aberdeen City Council's aim should be to rehouse these tenants to accommodation that is suitable for their family, regardless of what size of accommodation it is they are leaving.
- 3.8.4 The current scheme of delegation does not allow the Chief Officer the authority to agree such a move to a different size or type of property in any letting area.
- 3.8.5 It is proposed that the current Delegated Powers 23 - 32 be amended and the phrase "*accommodation of a similar size (or smaller) than currently occupied and similar type in an area of similar letting demand*" be removed from each of the powers and replaced with the phrase "*suitable accommodation*".

3.9 Change to Allocation Policy, section 19.1 – Applicants where Public Protection arrangements exist.

Amend section 19.1 of the Allocation Policy - which states "*Statutory homeless: Determined by a Homeless Assessment carried out in accordance with the terms of Part II of the Housing (Scotland) Act 1987 as amended. Such applicants will be awarded a Medium priority on this [urgent] list*" - by adding the following: "*Chief Officer Early Intervention and Community*

Empowerment can exercise the ability to award a higher priority on the urgent list where issues of Public Protection prevail”.

- 3.9.1 Rehousing statutory homeless clients as quickly and satisfactorily as possible will help Aberdeen City Council achieve one of the aims of the Local Outcome Improvement Plan, “2% fewer people reconvicted within one year of receiving a community or custodial sentence by 2026”.
- 3.9.2 A key driver for this aim is “10.2 Ensuring people on community sentences and liberated from prison have better access to services”.
- 3.9.3. Applicants for whom Aberdeen City Council has already accepted the statutory homeless rehousing duty to and will offer accommodation, where issues of Public Protection prevail. This additional power to award a higher priority rather than the existing medium priority, will aid the Council with their urgent rehousing by meeting the individual’s needs and that of the wider community.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report. It is anticipated that reduced homelessness journeys and reduced temporary accommodation stays will result in savings.

5. LEGAL IMPLICATIONS

- 5.1 The recommendations of this report will assist the Council in continuing to meet its statutory duties around housing and homelessness.

- 5.1.1. The Council’s Housing Allocation Policy complies with the following legislation:

The Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014.

The other legislative provisions concerning the allocation of social housing and meeting the needs of homeless households set out in the Housing (Scotland) Act 2001 and Homelessness etc. (Scotland) Act 2003.

- 5.1.2. Other applicable legislation

There is a framework of rights-based legislation which also influences the allocation of housing and with which the Council must comply. This includes:

Human Rights Act 1998;

Data Protection Act 2018;

Matrimonial Homes (Family Protection) (Scotland) Act 1981;

Children (Scotland) Act 1995;

Civil Partnership Act 2004;

Immigration and Asylum Act 1999; and

Protection from Harassment Act 1997.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk			
Compliance	Non-compliance with statutory duties around housing and homelessness.	Medium	Reviewing and updating Allocation Policy as necessary.
Operational			
Financial			
Reputational	Awarding a higher priority to homeless applicants where issues of Public Protection prevail.	High	Appropriate communications to the public to explain the Allocations Policy.
Environment / Climate			

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Prosperous People Stretch Outcomes	<p>The proposals within this report support delivery of Prosperous People Stretch Outcome 10:</p> <p>2% fewer people reconvicted within one year of receiving a community or custodial sentence by 2026.</p> <p>The proposed change to Delegated Power 11 will help liberated clients access secure accommodation quicker. This will help meet SHORE standards and will reduce the risk of reoffending.</p>

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

9.1 At the budget meeting on 2 March 2020, it was agreed that a report be brought back after reviewing the Council Housing Allocation Policy.

10. APPENDICES

10.1 [Allocation Policy](#)

10.2 [SHORE Standards](#)

10.3 [Delegated Powers](#)

11. REPORT AUTHOR CONTACT DETAILS

Name	Michael Murray
Title	Acting Allocations Team Leader
Email Address	Micmurray@aberdeencity.gov.uk
Tel	01224 523598